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EXTRAORDINARY  
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No. 1] NEW DELHI, WEDNESDAY, JANUARY 24, 1962/MAGHA 4, 1883

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MINISTRY OF LAW  
(Legislative Department)

*New Delhi, the 24th January, 1962/Magha 4, 1883 (Saka)*

## THE ADVOCATES (AMENDMENT) ORDINANCE, 1962 No. 1 OF 1962

Promulgated by the President in the Twelfth Year of the  
Republic of India.

An Ordinance to amend the Advocates Act, 1961.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Advocates (Amendment) Ordinance, 1962. Short title and commencement.

(2) It shall come into force at once.

2 During the period of operation of this Ordinance, the Advocates Act, 1961 shall have effect as if after section 57, the following sections had been inserted and had always been inserted, namely:— Act 25 of 1961 to be temporarily amended.

“58. (1) Where a State Bar Council has not been constituted under this Act or where a State Bar Council so constituted is unable to perform its functions by reason of any order of a court or otherwise, the functions of that Bar Council or of any Special provisions during transitional period.

Committee thereof, in so far as they relate to the admission and enrolment of advocates, shall be performed by the High Court in accordance with the provisions of this Act.

(2) Until Chapter IV comes into force, a State Bar Council or a High Court performing the functions of a State Bar Council may enrol any person to be an advocate on a State roll, if he is qualified to be so enrolled under this Act, notwithstanding that no rules have been made under section 28 or that the rules so made have not been approved by the Bar Council of India, and every person so enrolled shall, until that Chapter comes into force, be entitled to all the rights of practice conferred on an advocate under section 14 of the Indian Bar Councils Act, 1926. 38 of 1926.

(3) Notwithstanding anything contained in this Act, every person who, immediately before the 1st day of December, 1961, was an advocate on the roll of any High Court under the Indian Bar Councils Act, 1926 or who has been enrolled as an advocate 38 of 1926 . under this Act shall, until Chapter IV comes into force, be entitled as of right to practise in the Supreme Court, subject to the rules made by the Supreme Court in this behalf.

(4) Notwithstanding the repeal by sub-section (2) of section 50 of the provisions of the Legal Practitioners Act, 1879 or of 18 of 1879. the Bombay Pleaders Act, 1920, relating to the admission and Bombay Act XVII of 1920. enrolment of legal practitioners, the provisions of those Acts and any rules made thereunder in so far as they relate to the issue and renewal of the certificate of a legal practitioner shall have effect until Chapter IV comes into force and, accordingly, every certificate issued or renewed to a legal practitioner (who is not enrolled as an advocate under this Act) which is or purports to be issued or renewed under the provisions of either of the aforesaid Acts during the period beginning with the 1st day of December, 1961 and ending with the date on which Chapter IV comes into force, shall be deemed to have been validly issued or renewed.

Removal of difficulties.

59. (1) If any difficulty arises in giving effect to the provisions of this Act, particularly in relation to the transition from the enactments repealed by this Act to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) An order under sub-section (1) may be made so as to have retrospective effect from a date not earlier than the 1st day of December, 1961."

RAJENDRA PRASAD,  
*President.*

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R. C. S. SARKAR,  
*Secy. to the Govt. of India.*

